

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492  
Case No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Weisman

**MOTION FOR CLARIFICATION REGARDING  
FINAL ORDER AND JUDGMENT FEE AWARDS TO TWO FIRMS**

The Settlement Class, by and through Settlement Class Counsel, and as their Motion for Clarification Regarding Final Order and Judgment Fee Awards to Two Firms, respectfully submit the following request for clarification:

1. Settlement Class Counsel file this Motion for Clarification regarding the Court's awards of attorney's fees to two particular firms, (1) Lite DePalma Greenberg LLC in the amount of \$34,374.00, and Branstetter Stranch & Jennings PLLC in the amount of \$6,584. *See* Dkt. 553 ¶ 22(a)(v) & (xi).

2. Based on a comparison of the underlying fee applications and the Court's recent orders (Dkt. 552, Dkt. 553), Settlement Class Counsel have identified two potential errors regarding the calculation of fee awards related to Lite DePalma Greenberg LLC and Branstetter Stranch & Jennings PLLC which they wish to raise to the Court's attention.

3. On August 12, 2019, the Court entered its Memorandum Opinion and Order, certifying the Settlement Class and Subclasses, granting in part and denying in part the various petitions for fees and service awards. Dkt. 552. As is relevant to this Motion, the Court reduced the fees sought by Lite DePalma Greenberg LLC and Branstetter Stranch & Jennings PLLC (among other firms) by 50%. Dkt. 552 at 36–37. Thereafter, the Court approved and applied a

1.5 multiplier to be applied to Settlement Class Counsel's various fee requests in order to arrive at the final approved fee awards. *Id.* at 38.

4. In Settlement Class Counsel's Petition for Fees and Expenses, and Incentive Awards for Settlement Class Representatives (Dkt. 327), Settlement Class Counsel submitted lodestar amounts for each of the approved firms with a fee request of \$145,832.50 for Lite DePalma Greenberg and a fee request of \$5,852.50 for Branstetter Stranch & Jennings. Dkt. 327 at 8 (chart summarizing Settlement Class Counsel's reported lodestar). *See also* Dkt. 327-5 (Declaration of Joseph J. DePalma in Support of Petition for Fees and Expenses, identifying \$145,832.50 in fees); Dkt. 327-12 (Declaration of J. Gerard Stranch, IV in Support of Petition for Fees and Expenses, identifying \$5,852.50 in fees).

5. As set out below, application of a 50% fee reduction, followed by a 1.5 multiplier, results in different numbers than set out in the Court's Final Order and Judgment.

<b>Firm</b>	<b>Submitted Fee Request</b>	<b>Submitted Fee Request Reduced by 50%</b>	<b>Submitted Fee Request Reduced by 50% After 1.5 Multiplier</b>	<b>Fee Award Per Final Order and Judgment (Dkt. 553)</b>	<b>Difference Between "Submitted Fee Request Reduced by 50% After 1.5 Multiplier" and Fee Award Per Final Order and Judgment Award</b>
Lite DePalma Greenberg	\$145,832.50 (Dkt. 327-5)	\$72,916	\$109,374	\$34,374	\$75,000 under
Branstetter Stranch & Jennings	\$5,852.50 (Dkt. 327-12)	\$2,926	\$4,389	\$6,584	\$2,195 over

WHEREFORE, Settlement Class Counsel respectfully request that the Court enter an order clarifying the appropriate fee amounts for Lite DePalma Greenberg LLC and Branstetter

Stranch & Jennings PLLC and request that the Court grant all such other relief as the Court deems necessary and appropriate.

Dated: August 15, 2019

Respectfully submitted,

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*Settlement Class Counsel*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on August 15, 2019, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF electronic filing system, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman  
Steve W. Berman